

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

UNITED STATES OF AMERICA,

Plaintiff,

v.

M. DAVID FESKO,

Defendant.

Case No. 2:20-cv-00367-APG-EJY

ORDER

On September 9, 2022 the Court entered an Order requiring Taylor Waite, the Special Administrator of the Estate of M. David Fesko, to file a responsive pleading to Plaintiff's Complaint no later than 120 days after the date of the Order; that is, no later than January 20, 2023.¹ ECF No. 26. Mr. Waite failed to file such pleading. Unfortunately, upon discovering Mr. Waite's failure to file a responsive pleading, the Court also discovered that the September 9, 2022 Order, like two prior Orders, was mailed to Mr. Fesko's old address rather than the address applicable to Mr. Waite. All three orders were returned undeliverable. ECF Nos. 21, 24, 27.

Despite the fact that Mr. Waite's counsel received notice of each Court Order through the CM/ECF system, the erroneous address to which the Orders were mailed leads the Court to provide Mr. Waite one additional opportunity to file a responsive pleading to Plaintiff's Complaint within thirty (30) days of the date of this Order.

Accordingly, IT IS HEREBY ORDERED that Defendant / Special Administrator Waite **must** file a responsive pleading to Plaintiff's Complaint on or before **April 7, 2023**.

IT IS FURTHER ORDERED that failure to comply with this Order will result in an Order to Show Cause why Mr. Waite should not be held in contempt of court and subject to sanctions up to an including entry of default.

¹ Mr. Fesko is deceased (ECF No. 5) and Mr. Waite is the Defendant standing in the shoes of Mr. Fesko's estate. ECF No. 20.

1 IT IS FURTHER ORDERED that the Clerk of Court **must** terminate the address listed for
2 the deceased Mr. Fesko and ensure this Order, and all future mailings in this case, are addressed to:

3 Taylor Waite
4 C/O King Scow Koch Durham, LLC
5 11500 S. Eastern Ave.
6 Suite 210
7 Henderson, NV 89052

8 DATED this 9th day of March, 2023.

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10 ELAYNA J. YOUCHAH
11 UNITED STATES MAGISTRATE JUDGE
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